

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 19, 2007

Signature: Nabeela R. McMillian

(Nabeela R. McMillian)

Docket No.: 30986/40924  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Martin A. Crockard et al.

Application No.: 10/570,588

Confirmation No.: 7390

Filed: March 3, 2006

Art Unit: Not Yet Assigned

For: Diagnosis of Risk of Breast Cancer

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an

admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30986/40924. A duplicate copy of this paper is enclosed.

Dated: January 19, 2007

Respectfully submitted,

By 

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Form PTO-1449 (Modified)

Atty. Docket No.

30986/40924

Serial No.

10/570,588

**INFORMATION DISCLOSURE STATEMENT**

Applicant(s)

Martin A. Crockard et al.

Filing Date

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**U.S. PATENT DOCUMENTS**

Examiner Initials	Document Number	Issue or Publication Date	Name	Class	Subclass	Filing Date (If Appropriate)

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Document Number	Publication Date	Country	Translation	
				Yes	No
	WO 01/92581 A2	12/06/2001	PCT	X	
	WO 02/092854 A2	11/21/2002	PCT	X	
	WO 03/061386 A1	07/31/2003	PCT	X	

**OTHER DOCUMENTS**

	NCBI Sequence Viewer v2.0; Search Nucleotide; Authors: B. Birren et al.; Website: <a href="http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?db=nucleotide&amp;val=24416019">http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?db=nucleotide&amp;val=24416019</a> ; Dated: March 10, 2006
	Article: Exploring the Metabolic and Genetic Control of Gene Expression on a Genomic Scale; Authors: Joseph L. DeRisi et al. Science Mag.-Vol. 278; Dated October 24, 1997 Website: <a href="http://www.sciencemag.org">www.sciencemag.org</a>
	Article: Differential Display of Eukaryotic Messenger RNA by Means of the Polymerase Chain Reaction; Authors: Peng Liang et al.; Science, New Series, Vol. 257, No. 50721; Dated August 14, 1992; pp. 967-971; Website: <a href="http://www.jstor.org">http://www.jstor.org</a>
	Clinical Chemistry 48:8 pp. 1147-1150 (2002); Cancer Diagnostics: Overview; Cancer Biomarkers: Easier Said Than Done; Author: Kenneth P. H. Pritzker
	Gene expression patterns of breast carcinomas distinguish tumor subclasses with clinical Implications; Authors: Therese Sorlie et al.; PNAS; September 11, 2001; Vol. 98; No. 19; pp. 10869-10874; Website: <a href="http://www.pnas.org/cgi/doi/10.1073/pnas.191367098">www.pnas.org/cgi/doi/10.1073/pnas.191367098</a>

EXAMINER:

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Clinical Chemistry 48:8 pp 1160-1169; Vol.13, No. 3(2002); Cancer Diagnostics: Review; Proteomics for Cancer Biomarker Discovery; Authors: Pothur R. Srinivas et al.

Clinical Microbiology Reviews; Dated: July 2000; pp. 408-427; Copyright © 2000, American Society for Microbiology: Applications of Differential-Display Reverse Transcription-PCR to Molecular Pathogenesis And Medical Mycology

Clinical Chemistry 48:8; pp 1241-1250 (2002); Cancer Diagnostics: Discovery and Clinical Applications; Human Kallikrein gene 5 (KLK5) Expression by Quantitative PCR: An Independent Indicator of Poor Prognosis In Breast Cancer: Authors: George M. Yousef et al.

Proc. Natl. Acad. Sci. USA; Vol. 96, pp. 10632-10636; September 1999; Biochemistry: Messenger RNA translation state: The second dimension of high-throughput expression Screening: Authors: Qin Zong et al.

EXAMINER:

DATE CONSIDERED: